

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL J COLLINS,

Plaintiff,

v.

STATE OF WASHINGTON, et al.,

Defendants.

CASE NO. C13-5444 RBL

ORDER GRANTING IFP AND
DENYING MOTION TO RE-FILE

[DKT. #s 1&2]

THIS MATTER is before the Court on Plaintiff's Motion to proceed *in forma pauperis*, [Dkt. #1], and his "Motion to Re-File" [Dkt. #2].

A district court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). The court has broad discretion in resolving the application, but "the privilege of proceeding *in forma pauperis* in civil actions for damages should be sparingly granted." *Weller v. Dickson*, 314 F.2d 598, 600 (9th Cir. 1963), *cert. denied* 375 U.S. 845 (1963). Moreover, a court should "deny leave to proceed *in forma pauperis* at the outset if it appears from the face of the proposed complaint that the action is frivolous or without merit." *Tripathi v. First Nat'l Bank & Trust*, 821 F.2d 1368, 1369 (9th Cir. 1987) (citations omitted); *see also* 28 U.S.C. § 1915(e)(2)(B)(i). An *in forma pauperis*

1 complaint is frivolous if “it ha[s] no arguable substance in law or fact.” *Id.* (citing *Rizzo v.*
2 *Dawson*, 778 F.2d 527, 529 (9th Cir. 1985); *Franklin v. Murphy*, 745 F.2d 1221, 1228 (9th Cir.
3 1984).

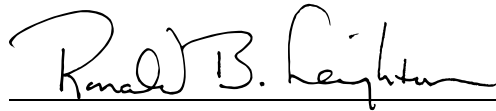
4 It is difficult to read and understand exactly what Plaintiff Collins seeks in his Complaint,
5 but it cannot be said that the Complaint is frivolous on its face.

6 Plaintiff’s Motion for Leave to Proceed *in forma pauperis* is GRANTED.

7 The Motion to Re-File is also unclear. It seeks at least in part to “compel the defense to
8 disclose information on the exact status of parties as captioned in this complaint.” Plaintiff has
9 made no showing in support of a Motion to compel; the Defendants have not even been served.
This Motion [Dkt. #2] is DENIED.

10 IT IS SO ORDERED.

11 Dated this 8th day of July, 2013.

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14 RONALD B. LEIGHTON
15 UNITED STATES DISTRICT JUDGE
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